

SEALED
FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
2021 JUN 17 PM 4:06

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RACHEL BROOKE PAGELER, and
JOSEF D. BARRAZA,

Defendants.

4:21CR3070 OFFICE OF THE CLERK

INDICTMENT

18 U.S.C. § 924(O)

18 U.S.C. § 922(a)(6)

18 U.S.C. § 922(g)(3) & 924(a)(2)

18 U.S.C. § 924(c)

18 U.S.C. § 2

21 U.S.C. § 841(a)(1) and (b)(1)

The Grand Jury charges that

COUNT I – Firearms Conspiracy – in furtherance of Drug Trafficking

From on or about July 1, 2020, to on or about June 4, 2021, in the District of Nebraska and elsewhere, the defendants, RACHEL BROOKE PAGELER and JOSEF D. BARRAZA, did intentionally and knowingly conspire, combine, confederate, and agree with each other and with persons known and unknown to the grand jury, to knowingly possess firearms in furtherance of drug trafficking crimes, that is, a conspiracy to possess with intent to distribute controlled substances, namely, methamphetamine and marijuana, in violation of Title 21, United States Code, Section 846.

MANNER AND MEANS OF THE CONSPIRACY

It was part of the conspiracy that RACHEL BROOKE PAGELER would lie on federal firearms form when purchasing firearms and represent that she was purchasing the firearms for herself.

It was part of the conspiracy that JOSEF D. BARRAZA, who could not legally purchase firearms in the City of Lincoln in the District of Nebraska, would instruct RACHEL BROOKE PAGELER, on which firearms to purchase for him. JOSEF D. BARRAZA would actually select

the firearms he wanted and have RACHEL BROOKE PAGELER purchase the firearms for him in what is commonly known as a “straw purchase.”

It was part of the conspiracy that JOSEF D. BARRAZA would distribute methamphetamine and marijuana to narcotics purchasers and would distribute methamphetamine to RACHEL BROOKE PAGELER.

It was part of the conspiracy that JOSEF D. BARRAZA would transfer firearms to juvenile members of the “No Name Demons” gang in Lincoln after RACHEL BROOKE PAGELER lied on federal firearms forms to purchase the firearms.

It was part of the conspiracy that JOSEF D. BARRAZA would possess firearms in order to protect himself from being robbed of controlled substances and proceeds derived from the sale of controlled substances.

OVERT ACTS

In furtherance of the conspiracy identified above, and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the District of Nebraska and elsewhere:

1. On or about July 31, 2020, RACHEL BROOKE PAGELER bought a blue SCCY TCPX-2 online, using the email address joebarraza1331@gmail.com and picked it up at a Federal Firearms Licensee’s retail location in Lincoln, Nebraska.
2. On August 13, 2020, RACHEL BROOKE PAGELER purchased a pink Ruger 380 from a Federal Firearms Licensee with JOSEF D. BARRAZA present in the store with her for the purchase.
3. On or about August 14, 2020, a juvenile No Name Demon gang member, known to the grand jury posted photos of himself holding two colored firearms, including the same pink Ruger that RACHEL BROOKE PAGELER purchased the day before, on

or about August 13, 2020. The other firearm was identical in appearance to a blue SCCY TCPX-2.

4. On or about August 13, 2020 and August 14, 2020, the juvenile No Name Demon gang member known to the grand jury, sent text messages to an adult member and founder of the No Name Demon gang, referencing JOSEF D. BARRAZA giving the juvenile gang member “colorful” guns and stated that he, the juvenile gang member would keep the gun.
5. On August 17, 2020, RACHEL BROOKEE PAGELER purchased a Glock model 45 from a Federal Firearms Licensee with JOSEF D. BARRAZA present in the store with her for the purchase.
6. On or about September 3, 2020, RACHEL BROOKE PAGELER attempted to purchase two firearms from Scheels but was denied when an employee witnessed an exchange of currency between RACHEL BROOKE PAGELER and JOSEF D. BARRAZA.
7. On or about November 20, 2020, RACHEL BROOKE PAGELER falsely reported that numerous firearms were stolen out of her and JOSEF D. BARRAZA’s residence on the same day that agents with the Federal Bureau of Investigation and investigators with the Lincoln Police Department executed 12 arrest warrants for No Name Demon gang members and served 6 search warrants for residences associated with No Name Demon gang members. Two of the firearms that RACHEL BROOKE PAGELER reported stolen on November 20, 2020 were the pink .380 Ruger and the blue SCCY handgun possessed by the juvenile gang member on August 13, 2020 and August 14, 2020.

8. On or about June 4, 2021, RACHEL BROOKE PAGELER and JOSEF D. BARRAZA did jointly and unlawfully possess firearms, that is multiple Glock handguns, including one with an extended clip of ammunition, and controlled substances, that is methamphetamine and marijuana.
9. On or about June 4, 2021, JOSEF D. BARRAZA did possess in excess of \$1,200 of United States currency from illegal sales of controlled substances, a mixture or substance containing a detectable amount of methamphetamine, and firearms and ammunition.

All in violation of Title 18, United States Code, Section 924(o) and Section 2.

COUNT II – False Statement During Purchase of a Firearm

On or about August 13, 2021, in the District of Nebraska, the defendants, RACHEL BROOKE PAGELER and JOSEF D. BARRAZA, in connection with the acquisition of a firearm, that is, a pink Ruger 380, from Scheels, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to Scheels, which statement was intended and likely to deceive Scheels as to a fact material to the lawfulness of such sale of the said firearm to the defendants under chapter 44 of Title 18, in that the defendant, RACHEL BROOKE PAGELER represented that she was the transferee and buyer of the firearm when in fact she was not the transferee and purchaser of the firearm.

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2) and Section 2.

COUNT III – Drug User in Possession of Firearms

Between on or about July 1, 2020 and on or about June 4, 2021, in the District of Nebraska, the defendants, RACHEL BROOKE PAGELER and JOSEF D. BARRAZA, each *knowing* that she and he were addicted to a controlled substance as defined in 21 U.S.C. Sec. 802, did knowingly possess firearms, that is,

a pink in color Ruger handgun;

a blue in color SCCY TCPX-2 handgun; and

a Glock 45 caliber handgun;

said firearms having been shipped and transported in interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2) and Section 2.

COUNT IV – Possession of Firearms in Furtherance of Drug Trafficking

Between on or about July 1, 2020 and June 4, 2021, in the District of Nebraska and elsewhere, Defendants, RACHEL BROOKE PAGELER and JOSEF D. BARRAZA, did knowingly possess firearms, that is pink in color .380 Ruger handgun, a blue in color SCCY handgun, and a Glock .45 caliber handgun, in furtherance of a drug trafficking crime for which Defendants may be prosecuted in a court of the United States, that is, the offense described in Counts V and VI.

In violation of Title 18, United States Code, Section 924(c)(1)(A) and Section 2.

COUNT V – Distribution of Controlled Substance (Methamphetamine)

Between on or about July 1, 2020 and June 4, 2021, in the District of Nebraska and elsewhere, Defendant, JOSEF D. BARRAZA, did knowingly and intentionally distribute a

detectable amount of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1) and Title 21, United States Code, Section 841(b)(1).

COUNT VI – Possession with Intent to Distribute (Marijuana)

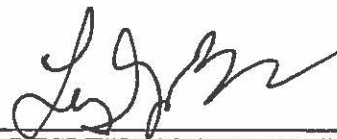
Between on or about July 1, 2020 and June 4, 2021, in the District of Nebraska and elsewhere, Defendant, JOSEF D. BARRAZA, did knowingly and intentionally possess with intent to distribute less than 50 kilograms of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1) and Title 21, United States Code, Section 841(b)(1).

A TRUE BILL.

FOREPERSON

The United States of America requests that trial of this case be held in Lincoln, Nebraska, pursuant to the rules of this Court.



LESLEY WOODS, TX #24092092
Assistant United States Attorney